

tion the loss or damage that may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage he, she or they may receive for the erection or establishment of the railroad or work, and shall state particularly the value and amount of each, and the excess of loss and damage over and above the advantage and benefit, shall form the measure of valuation: *Provided nevertheless*, That the company or land owner may appeal, if dissatisfied, to the superior court of the county wherein the land or any part thereof lies, in the same manner as appeals are taken from the judgments of a justice of the peace to the superior court. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way, shall be returned under the hand and seals of a majority of the commissioners to the court from which the commission issued, there to remain a matter of record. The land or right of way so valued by the said commissioners shall vest in the said company so long as the same shall be used for the purpose of said railroad so soon as the valuation shall be paid, or when refused, may have been tendered. The valuation provided for in this section shall be made on oath by the commissioners aforesaid, to be administered by any person having the authority to administer oaths: *Provided further*, That the right of condemnation herein granted shall not authorize the said company to invade the dwelling house, yard, garden or burial ground without consent of the owner of the soil.

Proviso.

Proviso.

May condemn  
lands.

SEC. 11. That the right of said rail road company to condemn in the manner described in the tenth section of this bill shall extend to the condemning of fifty feet on each side of the main track of the road measuring from the center of the same. The company shall also have power to condemn and appropriate to the company, in like manner, land for the construction and building of depots, shops and warehouses, buildings for servants and agents employed on the road.